

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Silver *et al.*

SERIAL NUMBER: 09/834,778

EXAMINER : Daniel M. Sullivan

FILING DATE : April 12, 2001

ART UNIT : 1636

FOR : SELF-EXTINGUISHING RECOMBINASES, NUCLEIC ACIDS ENCODING THEM AND
METHODS OF USING THE SAME

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Response to Notice of Allowance (2 pgs);
2. Completed Form PTOL-85B (1 pg);
3. Check (#19738) in the amount of \$20.00;
4. Copy of Check Submitted on February 6, 2004;
5. Copy of PTOL-85B filed on February 6, 2004; and
6. Return Postcard.

Applicants believe that no additional fees are due in connection with this submission. However, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 20363-011. A duplicate copy of this Transmittal Letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

Matthew Panno Reg No. 50,572

Ivor R. Elrifi, Reg. No. 39,529

Attorney for Applicant(s)

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.

Customer No.: 30623

Tel: (617) 542-6000

Fax: (617) 542-2241

Dated: December 7, 2004

Express Mail Label No.: EV475167654US

Date of Deposit: December 7, 2004

Attorney Docket No. 20363-011



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RESPONSE TO NOTICE OF ALLOWANCE

The present paper is filed in response to the Notice of Allowance and Issue Fee Due, dated September 14, 2004. A response is due on or before December 14, 2004.

Applicants previously paid \$995.00 to cover the issue fee (\$665.00), the publication fee (\$300.00), and the advanced order of ten (10) copies (\$30.00) on February 6, 2004 in response to the Notice of Allowance mailed November 6, 2003. Subsequently, Applicants submitted a Petition Under 37 C.F.R. §1.313(c)(2) to Withdraw from Issue After Payment of the Issue Fee and a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 on July 21, 2004.

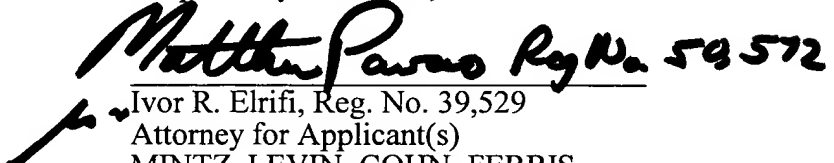
Applicants received a Decision Granting Petition Under 37 C.F.R. §1.313(c)(2) mailed July 23, 2004. That Decision stated that if the instant application is again allowed, Petitioner may request that the issue fee paid on February 6, 2004 be applied towards the issue fee required by the new Notice of Allowance.

The Notice of Allowance and Issue Fee Due mailed September 14, 2004 indicates that Applicants are required to pay an Issue Fee of \$1330 as Large Entity. Applicants claim Small Entity status under 37 C.F.R. §1.27 and submit that the Issue Fee due under the revised fees effective October 1, 2004 is \$685. Although not identified in the Notice of Allowance, Applicants also believe the publication fee (\$300.00) and the fee for advanced order of ten (10) copies (\$30.00) are due in conjunction with this response. Thus, Applicants understand that the total balance due on or before December 14, 2004 is \$1015.00 to cover the issue fee (\$685.00), the publication fee (\$300.00), and the advanced order of ten (10) copies (\$30.00).

Accordingly, Applicants hereby request that the \$995.00 paid on February 6, 2004 be applied toward the \$1015.00 total balance due in response to the Notice of Allowance and Fees(s) Due that was mailed on September 14, 2004. Therefore, a check (#19738) in the amount of \$20.00 is closed herewith to cover the balance due after application of the \$995.00 previously paid. Applicants also submit a copy of check #18025 in the amount of \$995 (for the issue fee, publication fee and advance copy fee) which was previously submitted on February 6, 2004. A copy of Form PTOL-85B is also enclosed herewith.

Applicants believe no additional fees are due. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or to credit any overpayment, to Account 50-0311 (Ref. No. 20363-011).

Respectfully submitted,


Ivor R. Elrifi, Reg. No. 39,529
Attorney for Applicant(s)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
Customer No.: 30623
Tel: (617) 542-6000
Fax: (617) 542-2241

Dated: December 7, 2004

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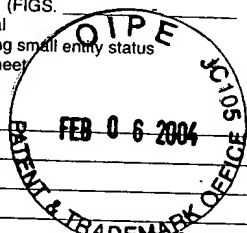
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Serial No. 09/834778 File No. 20363-011 By: IRE/CKS/MP
Title: Self-Extinguishing Recombinases, Nucleic Acids...
Application of Silver et al. Date: 4/12/01

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- | | |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> Req. for CPA under 37 CFR 1.53(d) | <input type="checkbox"/> Provisional Application Cover Sheet |
| <input type="checkbox"/> Change of Attorney's Address | <input type="checkbox"/> Inf. Disc. Statement, PTO Form 1449 |
| <input type="checkbox"/> New Power of Attorney | <input type="checkbox"/> References Cited |
| <input type="checkbox"/> Patent Application | <input type="checkbox"/> Copy of Notice to File Missing Parts |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional | <input checked="" type="checkbox"/> Amendment/Response to Notice of Allowance |
| Incl. _____ pages, (_____ pgs) Specification, | <input type="checkbox"/> Petition for Ext. of Time (x2) |
| (_____ pgs) Abstract, (_____ pgs) Claims (_____ # claims) | <input checked="" type="checkbox"/> Issue Fee Transmittal (1pg) |
| <input type="checkbox"/> Design Patent Application | <input type="checkbox"/> Letter to Official Draftsperson |
| <input type="checkbox"/> Declaration(s) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Drawings _____ sheet(s) (FIGS. _____) | <input type="checkbox"/> Brief (x3) |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input checked="" type="checkbox"/> Check for \$ <u>995.00</u> check # <u>18025</u> |
| <input type="checkbox"/> Verified Statement claiming small entity status | <input checked="" type="checkbox"/> Transmittal Letter (x2) |
| <input type="checkbox"/> Assignment and Cover Sheet | <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a) |
| | <input checked="" type="checkbox"/> Express Mail Label No. <u>EV392129891US</u> |



BEST AVAILABLE COPY

DATE MAILED February 6, 2004

DATE MAILED February 6, 2004

Express Mail Label No.: EV392129891US

Date of Deposit: February 6, 2004 18025

MINTZ LEVIN COHN FERRIS GLOVSKY
& POPEO PC
ONE FINANCIAL CENTER
BOSTON, MA 02111

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5-13/110

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